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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

ROBERT KELLY, ERYN LEARNED, and KERRY  
WANO, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

THE MCCLATCHY COMPANY

Defendant.

No. 2:21-cv-01960 KJM-JDP

**STIPULATION AND ORDER FOR FILING  
OF FIRST AMENDED COMPLAINT**

The Honorable Kimberly J. Mueller

TRIAL DATE: NONE SET

Pursuant to Eastern District of California Local Rule 143, Plaintiffs Robert Kelly, Eryn Learned, and Kerry Wano (collectively, "Plaintiffs") and Defendant The McClatchy Company, LLC ("McClatchy" or "Defendant") hereby stipulate and agree as follows:

1. WHEREAS, on June 29, 2021, Plaintiffs filed their Complaint – Class Action, which was later transferred to this Court;

2. WHEREAS, on May 26, 2022, the Court denied McClatchy's Motion to Compel Arbitration;

3. WHEREAS, pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), McClatchy's responsive pleading was due on June 9, 2022;

1           4.       WHEREAS, on June 29, 2022, the Court granted the Parties' stipulation to extend  
2 the time for McClatchy to file a responsive pleading to August 1, 2022;

3           5.       WHEREAS, on July 11, 2022, Plaintiffs' counsel notified McClatchy that they  
4 intended to amend the Complaint to dismiss Plaintiff Robert Kelly and his individual claims  
5 without prejudice, and add four additional plaintiffs;

6           6.       WHEREAS, the Parties met and conferred regarding Plaintiffs' proposed  
7 amended complaint twice, on July 11 and 21, 2022;

8           7.       WHEREAS, on July 21, 2022, the Parties met and conferred regarding Plaintiffs'  
9 proposed amended complaint during which Plaintiff's counsel confirmed that the amended  
10 complaint would also dismiss Plaintiff Kerry Wano and his individual claims without prejudice;

11          8.       WHEREAS, a redline of Plaintiffs' proposed amended complaint is attached as  
12 Exhibit A, and a clean version of the proposed amended complaint is attached as Exhibit B;

13          9.       WHEREAS, McClatchy consents to Plaintiffs' filing of the proposed amended  
14 complaint in Exhibit B, and the Parties agree that by stipulating to the filing, McClatchy makes  
15 no admissions, waives no defenses and expressly reserves the right to challenge the proposed  
16 amended complaint; and

17          10.      WHEREAS, this stipulation is not being sought for any improper purpose or for  
18 the reason of delay, and this is Plaintiffs' proposed first amendment to their complaint.

19               IT IS HEREBY STIPULATED by and between the Parties hereto through their respective  
20 undersigned legal counsel that:

21           A.       Plaintiffs may file Exhibit B, the proposed amended complaint; and

22           B.       McClatchy shall file its responsive pleading within 44 days after the Plaintiffs file  
23 Exhibit B.

24               SO STIPULATED THIS 4th day of August, 2022.

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26    //

27    //

1  
2 DATED: August 4, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

3 By: /s/ Amy L. Pierce

4 Amy L. Pierce  
Attorneys for Defendant

5 DATED: August 4, 2022

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*Attorneys for Plaintiffs*

ORDER

Pursuant to the Parties' Stipulation, Plaintiffs shall file Exhibit B, the proposed amended complaint. McClatchy shall file its responsive pleading within 14 days of the filing of Exhibit B.

IT IS SO ORDERED.

DATED: August 4, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE